

## **TENTATIVE RULINGS for LAW and MOTION**

### **September 28, 2020**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted on Yolo Court's Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Ten (530) 406-6816  
Telephone number for the clerk in Department Nine (530) 406-6819

**NOTICE:** Effective May 4, 2020, all court appearances are by Zoom or Conference call. Yolo Superior Court Virtual Courtroom and conference call information is posted on the Yolo Court's Website at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov).

#### **TENTATIVE RULING**

**CASE:** **Doe v. The Regents of the University of California**  
**Case No. CV PT 16-765**

**Hearing Date:** **September 28, 2020** **Department Nine** **9:00 a.m.**

John Doe's motion to augment is **DENIED**. (Code Civ. Proc., § 1094.5, subd. (e).) The general rule is that a hearing on a writ of administrative mandamus is conducted solely on the record of the proceeding before the administrative agency." (*Toyota of Visalia, Inc. v. New Motor Vehicle Bd.* (1987) 188 Cal.App.3d 872, 881.) Augmentation of the administrative record is permitted only within the strict limits set forth in section 1094.5, subdivision (e). (*Pomona Valley Hosp. Med. Ctr. v. Super. Ct.* (1997) 55 Cal.App.4th 93,101.) Doe has failed to establish that the evidence is relevant, that he could not with reasonable diligence have produced the evidence at the hearing, or that it was improperly excluded at the hearing. (Code Civ. Proc., § 1094.5, subd. (e).)

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312 or further notice is required.

### TENTATIVE RULING

**Case:** **Muller Ranch, LLC v. Travelers Property Casualty**  
**Case No. CV 2019-2522**

**Hearing Date:** **September 28, 2020** **Department Ten** **9:00 a.m.**

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Travelers Property Casualty Company of America's ("Travelers") demurrer to Yolo Insurance, Inc., DBA Armstrong & Associates Insurance Services' ("Armstrong") first amended cross-complaint is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff Muller Ranch, LLC has alleged a cause of action based in tort against Travelers and therefore, Armstrong may assert its implied and equitable indemnity cause of action against Travelers for such alleged tortious conduct. (*BFGC Architects Planners, Inc. v. Forcum/Mackey Construction, Inc.* (2004) 119 Cal.App.4th 848, 852; *Stop Loss Ins. Brokers, Inc. v. Brown & Toland Medical Group* (2006) 143 Cal.App.4th 1036, 1041; FAC, ¶¶ 27-31.)

The parties are **DIRECTED TO APPEAR** for the case management conference.